



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
(See Issuing Division below)



The New Jersey Department of Environmental Protection grants this permit in accordance with your application, attachments accompanying same application, and applicable laws and regulations. This permit is also subject to the further conditions and stipulations enumerated in the supporting documents which are agreed to by the permittee upon acceptance of the permit.

Permit No. 1400-01-1001.1FHA010001 1421-01-0017.1 (IP)		Application No.	
Issuance Date APR 08 2007	Effective Date APR 08 2007	Expiration Date APR 08 2007	
Name and Address of Applicant NJDOT 1035ParkwayAvenue Trenton, New Jersey 08625		Name and Address of Owner	
Location of Activity/Facility (Street Address) Lot: Block Twp.: Townships of Montville & Parsippany - Troy Hills County: Morris		Issuing Division Land Use Regulation Program	
		Name and Address of Operator	
		Statute(s) NJSA 13:9B-1 NJSA 13:1D-1 NJSA 58:10A-1 NJSA 58:16A-50, et. seq.	
Type of Permit Stream Encroachment		Maximum Approved Capacity, if applicable	
<p>This permit grants permission to:</p> <p>to extend an existing 28.7 meters long Route 46 bridge crossing over the Rockaway River up to 39 meters and to replace an existing headwall located along the north side of Route 46 in connection with improvements to the Route 46 intersection with New Road, within the Townships of Montville and Parsippany - Troy Hills, Morris County, New Jersey. The Freshwater Wetlands Individual Permit authorizes the disturbance of 0.74 acres of wetlands and State open waters for roadway improvements.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;"> <p>Prepared By: <u>Neelofar Qureshi</u> Neelofar Qureshi</p> </div> <div style="width: 45%;"> <p>Prepared By: <u>Daniel P. Shinder</u> Daniel P. Shinder</p> </div> </div> <p style="text-align: center; margin-top: 20px;">(See page 9 for Section Chief's signature.)</p>			
Revised Date	Approved by the Department of Environmental Protection Name (Print or Type) _____ Title _____ Signature _____ Title _____		

Terms And Conditions

This permit is subject to the following terms and conditions:

1. This permit is revocable, or subject to modification or change at any time, pursuant to the applicable regulations, when in the judgement of the Department of Environmental Protection of the State of New Jersey such revocation, modification or change shall be necessary.
2. The issuance of the permit shall not be deemed to affect in any way action by the Department of Environmental Protection of the State of New Jersey on any future application.
3. The works, facilities, and/or activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and the said conditions.
4. No change in plans or specifications shall be made except with the prior written permission of the Department of Environmental Protection of the State of New Jersey.
5. The granting of this permit shall not be construed to in any way affect the title or ownership of property, and shall not make the Department of Environmental Protection or the State a party in any suit or question of ownership.
6. This permit does not waive the obtaining of Federal or other State or local government consent when necessary. This permit is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.
7. A copy of this permit shall be kept at the work site, and shall be exhibited upon request of any person.
8. In cases of conflict, the conditions of this permit shall supersede the plans and/or engineering data.
9. **Limit and Extent of Approval**
 - a. This approval grants permission to the applicant and/or its agents to undertake an activity regulated by the State of New Jersey as described by the text of this permit and as detailed by the herein approved plans. Any construction, grading, removal of vegetation, or other activity at this site within or affecting a regulated flood plain, other than specifically approved by this permit or as detailed by the approved drawings, shall require additional approvals from the Department. The commencement of such regulated activities without the appropriate approvals shall be in violation of State law.
 - b. All activities authorized by this permit shall be completed within five years of the issuance date as listed on the first page of this document. At that time, this approval, if not previously revoked, shall automatically become null and void, and none of the activities referenced herein may commence or continue until a new approval has been granted by the Department.
10. **Method of Construction**
 - a. All activities approved by this permit shall be performed under the supervision and direction of a Professional Engineer licensed in the State of New Jersey, and shall be undertaken using the best management practices available. Furthermore, the site shall

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be subject to inspection at any time by representatives of the Department to ensure the continuous application of the provisions of this permit.

- b. During the course of construction, neither the applicant nor its agents shall cause or permit any unreasonable interference with the free flow of the stream by placing or dumping any materials, equipment, debris or structures within or adjacent to the stream corridor. Upon completion or abandonment of the work, the applicant and/or its agents shall remove and dispose of in a lawful manner all excess materials, equipment and debris from the stream corridor and adjacent lands.
- c. All activities authorized by this permit shall be stabilized in accordance with the *Standards for Soil Erosion and Sediment Control in New Jersey* (obtainable from local Soil Conservation District offices), or equal engineering specifications, to prevent eroded soil and sediment from entering adjacent waterways and wetlands at any time during and subsequent to construction. The Department reserves the right to order the suspension of any activity if unacceptable levels of erosion or turbidity result from the same. Furthermore, the applicant shall maintain the stream corridor as shown on the approved drawing/s for either such time as is required for the channel and/or banks to become reasonably stabilized, or for one year after completion of the project (as evidenced by a Certificate of Completion), whichever period of time is longer.

11. Responsibilities of Applicant

- a. The granting of this permit does not in any way relieve the applicant and/or its agents from the responsibility for damages caused by any construction or activities hereby approved, nor does the Department accept responsibility for any structural designs.
 - b. No construction authorized by this permit may begin until the enclosed **permit acceptance form** has been signed by the applicant and is returned to the Department. By signing and submitting this form, the applicant accepts this permit in its entirety and agrees to adhere to all of its terms and conditions. Please be advised that this permit may be declared null and void should it be determined that adequate measures had not been taken by the applicant and/or its agents to ensure the continuous implementation of these terms and conditions.
 - c. Within ten (10) days of the receipt of this permit by the applicant, this permit shall be recorded in its entirety in the office of the County Clerk or the Registrar of Deeds and Mortgages for each county where this permit is located. Verified notice of this action shall be forwarded to the Department immediately thereafter.
 - d. The enclosed **construction notice** shall be completed by the applicant or its agent and submitted to the Department at least fourteen (14) days prior to the commencement of the herein approved activities.
 - e. The enclosed **completion report** shall be completed by a Professional Engineer licensed in the State of New Jersey and submitted to the Department within thirty (30) days after completion of the herein approved activities.
12. All excavated material must be disposed of in a lawful manner outside of any regulated flood plain, open water, freshwater wetlands or adjacent transition areas, and in such a way as to not interfere with the positive drainage of the receiving area.
13. The applicant must make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed water quality measures on site. This includes, but

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not limited to cleaning and inspection of all water quality inlets at least twice a year and after every major storm, and the continuous implementation of appropriate soil conservation practices within any grassed swales, stormwater outfall structures and other similar appurtenances throughout the site in order to limit soil erosion and sediment discharge into the adjacent waterway.

14. The decision to grant this stream encroachment permit did not include a structural review of the proposed activities with regard to the BOCA National Building Code; nor it include a comparative review of any local flood ordinances which may apply. As such the proposed structure/s may not fully comply with the provisions of the BOCA National Building Code or meet the requirements of the appropriate local flood ordinance. Consequently, the construction official for the municipality in which this project is located may reserve the rights to modify the design of, or deny the erection of these structures which do not meet the appropriate flood ordinance or construction codes which are within local jurisdiction.

Provision of Freshwater Wetlands Individual Permit

This portion of the permit authorizes the disturbance of 0.74 acres of wetlands and 0.005 acres of State open waters for roadway improvements to the existing intersection of NJ Route 46 and New Road in the Townships of Parsippany-Troy Hills and Montville, Morris County. Proposed improvements include realignment of two existing forward ramps to New Road from Route 46 both east and westbound. Also proposed is the construction of a new looped jughandle on Route 46 westbound to New Road southbound.

In addition, this permit to conduct a regulated activity in State open waters includes the Department's approval of a Water Quality Certificate for these activities.

Permit Conditions:

The following special conditions must be met for the activity to be authorized under these permits:

15. Mitigate for the loss of 0.005 acres of State open waters, 0.010 acres of scrub/shrub, 0.73 acres of forested wetlands through either an on-site or off-site wetland creation, restoration or enhancement project as detailed in condition number 17 below or through the purchase of mitigation credits as detailed in condition 16 below.
16. Purchase credits from the Mitigation Bank as detailed below.
 - a) The permittee must submit proof of the purchase of 1.48 acres of wetlands and 0.010 acres of State open water mitigation credits to Virginia Kop'Kash, from the Land Use Regulation Program, before the authorized construction may begin. To purchase credits from the mitigation bank the permittee must contact Joe Nehila at (973-276-0080). If the permittee waits more than sixty days to make that purchase she/he must first contact Virginia Kop'Kash, from the Land Use Regulation Program at (609) 777-0454 to determine if the mitigation credits are still available for sale.
17. For an on-site or off-site individual mitigation project the permittee must submit a mitigation proposal to the Land Use Regulation Program, to create, enhance or restore an area of freshwater wetlands of equal ecological value to those, which will be lost by the authorized activity for review and approval. Attached to this permit is a list of the necessary information that must be included in that on-site or off-site mitigation proposal. If the permittee is proposing to construct a wetland creation or restoration project, two acres of creation or restoration must be performed for each acre disturbed and the mitigation area must, in

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addition to this, include a 50 transition area. The slope of the created transition area must be fairly flat and therefore have a slope no greater than 10:1. If the permittee is proposing to construct a wetland enhancement project, the ratio of wetlands enhanced to wetlands disturbed shall be sufficient to replace loss of ecological value from the permitted project and shall be approved by the Program. The following conditions and information must be adhered to when performing mitigation off-site.

- a) Submit for review and approval a conceptual plan showing the location and proposed hydrology of the mitigation site.
- b) Once the Program has approved the conceptual plan of the mitigation project the permittee must submit a final design of the mitigation project and include all the items listed on the attached on-site/off-site mitigation proposal checklist.
- c) The mitigation project must be conducted prior to or concurrent with the construction of the approved project.
- d) The permittee shall complete and sign the Department approved conservation restriction for the mitigation site (copy attached). The restriction shall be included on the deed, and recorded in the office of the County Clerk (the Registrar of Deeds and Mortgages in some counties), in the county wherein the lands of the mitigation project are located, within 10 days of approval of the wetland mitigation proposal.
- e) The permittee shall notify the Land Use Regulation Program, in writing, at least 14 days in advance of the start of construction of the wetland mitigation project for an on-site pre-construction meeting between the permittee, the contractor, the consultant and the Program.
- f) The mitigation designer must be present during critical stages of construction of the mitigation project this includes but is not limited to herbicide applications, sub-grade inspection, final grade inspection, and planting inspection.
- g) Immediately following final grading of the site, a disc must be run over the site to eliminate compaction. Mitigation designer must be present to oversee this phase of the project and confirm with the Department this activity has occurred prior to planting of the site.
- h) Immediately following the final grading of the mitigation site and prior to planting, the permittee shall notify the Program for a post-grading construction meeting between the permittee, contractor, consultant and the Program.
- i) Immediately following final grading and planting of the wetland mitigation project, the permittee shall notify the Land Use Regulation Program, in writing that the construction of the mitigation project has been completed in accordance with the approved plan. In addition to the notice, the permittee shall submit as built plans of the site and photos with a photo location map of the completed project.
- j) The permittee shall post the mitigation area with several permanent signs, which identify the site as a wetland mitigation project and that mowing, cutting, dumping and draining of the property is prohibited. The sign must also state the name of the engineering/environmental firm that designed and constructed the mitigation site with a phone number. In addition, the permittee shall visibly mark/staked (oak stakes) the extent of the wetland mitigation area and ensure the stakes remain that way for the entire monitoring period with the location of those stakes shown on the as built plan.

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- k) If the Program determines that the mitigation project is not constructed in conformance with the approved plan, the permittee will be notified in writing and will have 60 days to submit a proposal to indicate how the project will be corrected. No financial surety will be released by the Program until the permittee demonstrates that the mitigation project is constructed in conformance with the approved plan and all soil has been stabilized and there is no active erosion.
- l) The permittee shall monitor the wetland mitigation project for 5 full growing seasons if it is a proposed forested wetland and for 3 full growing seasons for a scrub/shrub or emergent wetland after the mitigation project has been constructed. The permittee shall submit monitoring reports to the Land Use Regulation Program no later than November 15th of each monitoring year (All monitoring report must include the standard items identified in the attachment and the information requested below).
- m) Throughout the monitoring period, the permittee must eliminate either through hand-pulling, application of a pesticide or other Department approved method any occurrence of an invasive/noxious species on the mitigation site.
- n) All monitoring reports will include all the following information (see attached monitoring report checklist):
 - i. The monitoring reports submitted prior to the final one must include documentation that it is anticipated, based on field data, that the goals of the wetland mitigation project including the transition area, as stated in the approved wetland mitigation proposal and the permit will be satisfied. If the permittee is finding problems with the mitigation project and does not anticipate the site will be a full success then recommendations on how to rectify the problems must be included in the report with a time frame in which they will be completed. The final monitoring report must include documentation to demonstrate that the goals of the wetland mitigation project including the required transition area, as stated in the approved wetland mitigation proposal and the permit, has been satisfied. Documentation for this report will also include a field wetland delineation of the wetland mitigation project based on techniques as specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989);
 - ii. The monitoring reports submitted prior to the final one must include documentation that the site is progressing towards the 85 percent survival and percent areal coverage of mitigation plantings or target hydrophytes which are species native to the area and similar to ones identified on the mitigation planting plan. If the permittee is finding problems with the mitigation project and does not anticipate the site will or has achieved the 85 percent survival and 85 percent areal coverage criteria then recommendations on how to rectify the problems must be included in the report with a time frame in which they will be completed. The final monitoring report must include documentation the site has an 85 percent survival and 85 percent areal coverage of the mitigation plantings or target hydrophytes which are species native to the area and similar to ones identified on the mitigation planting plan;
 - iii. Documentation to demonstrate the site is less than 10 percent occupied by invasive or noxious species such as but not limited to *Phalaris arundinacea* (Reed canary grass), *Phragmites australis* (Common reed grass), *Pueraria lobata* (Kudzu), *Typha latifolia* (Broad-leaved cattail), *Typha angustifolia* (Narrowed leaved cattail), *Lythrum salicaria* (Purple loosestrife), *Ailanthus altissima* (Tree-of-heaven), *Berberis thunbergi* (Japanese barberry), *Berberis vulgaris* (Common barberry), *Elaeagnus angustifolia* (Russian olive), *Elaeagnus umbellata* (Autumn olive), *Ligustrum obtusifolium* (Japanese privet), *Ligustrum*

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vulgare (Common privet) and *Rosa multiflora* (Multiflora rose). If the site is more than 10 percent occupied by invasive or noxious species then the monitoring report must include a proposed remediation plan and a time frame in which it will be completed.

iv. Demonstrate through soil borings and a soil test that a minimum six inch layer of top-soil or A-Horizon was used/retained on the mitigation site and if the natural top-soil was used at least 8% organic carbon content (by weight) was incorporated into the A-horizon for sandy soil and for all other soil types 12% organic content or if manmade top soil was used it consisted of equal volumes of organic and mineral materials. If the site fails to meet this standard the monitoring report must include a proposed remediation plan and a time frame in which it will be completed. The final monitoring report must include documentation that the site contains hydric soils or there is evidence of reduction occurring in the soil; and

v. The monitoring reports submitted prior to the final report must include documentation that demonstrates the proposed hydrologic regime as specified in the mitigation proposal appears to be met. If the permittee is finding problems with the mitigation project and does not anticipate the proposed hydrologic regime will be or has not been met then recommendations on how to rectify the problem must be included in the report along with a time frame within which it will be completed. The final monitoring report must include documentation that demonstrates that the proposed hydrologic regime as specified in the mitigation proposal, which proves the mitigation site is a wetland has been satisfied. The documentation shall include when appropriate monitoring well data, stream gauge data, photographs and field observation notes collected throughout the monitoring period.

o) Once the required monitoring period has expired and the permittee has submitted the final monitoring report, the Program will make the finding that the mitigation project is either a success or a failure. This mitigation project will be considered successful if the permittee demonstrates all of the following:

i. That the goals of the wetland mitigation project including the required transition area, as stated in the approved wetland mitigation proposal and the permit, has been satisfied. The permittee must submit a field wetland delineation of the wetland mitigation project based on the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989) which shows acres of emergent/scrub shrub/forested wetlands have been created/restored/enhanced;

ii. The site has an 85 percent survival and 85 percent areal coverage of the mitigation plantings or target hydrophytes which are species native to the area and similar to ones identified on the mitigation planting plan;

iii. The site is less than 10 percent occupied by invasive or noxious species such as but not limited to *Phalaris arundinacea* (Reed canary grass), *Phragmites australis* (Common reed grass), *Pueraria montana* (Kudzu), *Typha latifolia* (Broad-leaved cattail), *Typha angustifolia* (Narrowed leaved cattail), *Lythrum salicaria* (Purple loosestrife), *Ailanthus altissima* (Tree-of-heaven), *Berberis thunbergii* (Japanese barberry), *Berberis vulgaris* (Common barberry), *Elaeagnus angustifolia* (Russian olive), *Elaeagnus umbellata* (Autumn olive), *Ligustrum obtusifolium* (Japanese privet), *Ligustrum vulgare* (Common privet) and *Rosa multiflora* (Multiflora rose);

iv. The site contains hydric soils or there is evidence of reduction occurring in the soil; and,

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- v. That the proposed hydrologic regime as specified in the mitigation proposal, which proves the mitigation site, is a wetland has been satisfied. The documentation shall include when appropriate monitoring well data, stream gauge data, photographs and field observation notes collected throughout the monitoring period.
- p) If the mitigation project is considered a failure, the permittee is required to submit a revised mitigation plan to rectify the wetland mitigation site. The plan shall be submitted within 60 days of receipt of the letter from the Program indicating the wetland mitigation project was a failure.
18. The applicant will be required to obtain Soil Erosion and Sediment Control approval prior to the start of construction.
19. The stabilization project shall be carried out so as not to interfere with the natural drainage characteristics of any adjacent the wetlands.
20. The applicant will be responsible for installing and maintaining a sediment barrier around all soils disturbed by construction which is sufficient to prevent any sediment from reaching of the stream or any of the tributaries.
21. The applicant shall be responsible for minimizing vegetative disturbances within wetlands, Transition areas and along the streams.
22. Any and all precautions shall be taken to prevent raw concrete (e.g. footings/piers) from coming in contact with the waters of the Rockaway River, raw concrete is toxic to aquatic biota,
23. In order to protect the general game fishery in the Rockaway River from sedimentation problems, proposed construction activities are prohibited between May 1 through June 30 of each year. In addition, any activity within this watercourse, which could introduce sediment into, said stream or which could cause an increase in the natural level of turbidity is also prohibited during this period. The Department reserves the right to suspend all regulated activities on site should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition.
24. The drawings hereby approved are six (6) sheets prepared by The RBA Group, dated November 30, 2001, last revised, March 20,2002, unless otherwise noted and entitled:
- "NEW JERSEY DEPARTMENT OF TRANSPORTATION"
- "OVERALL STREAM ENCROACHMENT PLAN ROUTE 46 SECTION 11M" sheet no. 2 of 34, dated November 30, 2001, unrevised,
- "STREAM ENCROACHMENT PLAN SHEET 1 OF 3 ROUTE 46 SECTION 11M" sheet no. 3 of 34, dated March 20, 2002, unrevised,
- "STREAM ENCROACHMENT PLAN SHEET 2 OF 3 ROUTE 46 SECTION 11M" sheet no. 4 of 34, dated March 20, 2002, unrevised,
- "STREAM ENCROACHMENT PLAN SHEET 3 OF 3 ROUTE 46 SECTION 11M" sheet no. 5 of 34, dated November 30, 2001, unrevised,
- "CONSTRUCTION DETAILS ROUTE 46 SECTION 11M" sheet No. 23 of 34, dated March 20, 2002, unrevised and

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"CONSTRUCTION DETAILS ROUTE 46 SECTION 11M" sheet No. 27 of 34, dated November 30, 2001, unrevised and

Mark N. Mauriello 4/8/02
Mark Mauriello, Acting Director
Land Use Regulation Program Date